



**U.S. Department of Justice**  
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November 2, 2020

David J. Smith, Clerk  
United States Court of Appeals  
Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Re: *United States v. Winner*, No. 20-11692  
Notice of Supplemental Authority under Fed. R. App. P. 28(j) and  
Eleventh Circuit I.O.P.-6

Dear Mr. Smith:

In *United States v. Monaco*, — F. App'x —, 2020 WL 6194688 (11th Cir. Oct. 22, 2020), this Court affirmed the district court's finding that the defendant had not demonstrated an "extraordinary and compelling reason" justifying release under 18 U.S.C. § 3582(c)(1)(A). *Id.* at \*3. The appellant in *Monaco*, among other things, raised one of the same issues as presented in *Winner*—that is, does U.S.S.G. § 1B1.13 continue to define "extraordinary and compelling" reasons after the First Step Act's amendments to § 3582(c)(1)(A).<sup>1</sup> (*Monaco* Br. 6-7, 2020 WL 1130261, at \*6-\*7.) In *Monaco*, the government responded to this assertion, noting that while it was not without support, it rested "upon a faulty premise."

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<sup>1</sup> In support, the appellant cited *United States v. Maumau*, 2020 WL 806121 (D. Utah Feb. 18, 2020), which held that "[u]nder the First Step Act, it is for the court, not the Director of the Bureau of Prisons, to determine whether there is an 'extraordinary and compelling reason' to reduce a sentence." *Id.* at \*2-\*4.

(Gov't Br. 18 n.8 (citing cases), 2020 WL 2062374, at \*18 n.8.) In his reply brief, the appellant reiterated his position and expanded upon it. (Monaco Reply Br. 3-6, 2020 WL 2539103, at \*3-\*6.)

Despite these arguments, in reaching its conclusion, the Court reviewed the statutory text of § 3582(c)(1)(A) and explained that “a defendant is eligible for compassionate release if the district court finds ‘extraordinary and compelling reasons’ that are ‘consistent with the . . . policy statements’ in guideline section 1B1.13.” *Monaco*, 2020 WL 6194688, at \*3.

In *Winner*, as in *Monaco*, this Court should continue to hold that a defendant’s “extraordinary and compelling” reasons must be consistent with § 1B1.13.

Sincerely,

BOBBY L. CHRISTINE  
UNITED STATES ATTORNEY

*/s/ Justin G. Davids*

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**CERTIFICATE OF INTERESTED PERSONS**  
**AND CORPORATE DISCLOSURE STATEMENT**

COMES NOW the United States of America, by and through Bobby L. Christine, United States Attorney for the Southern District of Georgia, and files its Certificate of Interested Persons and Corporate Disclosure Statement as follows:

Aaron, David C., U.S. Department of Justice Attorney

Barnard, Thomas H., Attorney for Appellant

Bell Jr., John C., Attorney for Appellant

Chester, Matthew S., Attorney for Appellant

Christine, Bobby L., United States Attorney

Davids, Justin G., Assistant United States Attorney

Durham, James D., Former Assistant United States Attorney

Edelstein, Julie A., U.S. Department of Justice Attorney

Epps, Hon. Brian K., United States Magistrate Judge

Greenwood, Nancy C., Assistant United States Attorney

Hall, Hon. J. Randal, Chief United States District Judge

Hudson, David E., Former Attorney for Reporters Committee for  
Freedom of the Press

Larson, Amy E., U.S. Department of Justice Attorney

Mannino, Katherine C., Attorney for Appellant

McCook, Jill E., Former Attorney for Appellant

Nichols, Titus T., Attorney for Appellant

Rafferty, Brian T., Former Assistant United States Attorney

Reporters Committee For Freedom of the Press

Robichaux, Mary S., Assistant United States Attorney

Rodriguez-Feo, Carli, Interested Party

Solari, Jennifer G., Assistant United States Attorney

Switzer, Brett A., Attorney for Appellant

Whitley, Joe D., Attorney for Appellant

Winner, Reality, Appellant

No publicly traded company or corporation has an interest in the outcome of this case or appeal.

**CERTIFICATE OF SERVICE**

I hereby certify that one copy of the foregoing letter has been served on all the parties in this case in accordance with the notice of electronic filing generated as a result of electronic filing in this Court on November 2, 2020.

BOBBY L. CHRISTINE  
UNITED STATES ATTORNEY

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